

## REMARKS

Upon entry of the foregoing amendments, claims 1-7 and 13-23 are pending. Claims 6 and 7 were considered to contain allowable subject matter. Claim 1 has been amended to recite a curved outer surface that engages the object to be scanned, which surface could be provided by either rails (claim 6) or a curved plate (claim 7). Accordingly claim 1 and its dependent claims should now be allowable for the same reasons as claims 6 and 7. New claims 14 and 22 set forth the device and method in more detail and likewise require a curved undersurface on the arm.

Original claims 1, 2, 4, 5, 8, 12 and 13 were rejected as anticipated by Swartz et al. U.S. Patent No. 6,459,505. Swartz describes a bound document imager (bound document of which a book is the example in Figure 7 and 8. As stated in the Abstract:

....a cradle for supporting a book and an optical system positioned above the cradle. The optical system is mounted for movement along a vertical axis toward and away from the cradle. It includes an upper portion supporting a camera and mirror arrangement and a lower portion comprising a platen assembly. The upper and lower portions are mounted for independent movement along the vertical axis over a first range of travel remote from the cradle, and are coupled for movement as a single unit over a second range of travel, toward and proximate to the cradle. When the upper and lower portions are coupled, the optical system has an optical path of a predetermined length extending from the platen surface, through the mirror arrangement and through the camera.

The optical system is set up for vertical movement along a post. The present invention does not rely on a cradle for holding the object to be scanned, and instead (see especially new method claim 22) relies on a curved undersurface of the arm which engages the upper surface of the object to be scanned. This is not present in Swartz et al., and is inconsistent with the use of a cradle for holding the item to be scanned and a platen above it for achieve the desired optical length. The present invention as now claimed is patentably distinguishable from Swartz et al. The "curved undersurface" of claim 14 reads on both the curved rails and curved plate of claims 6 and 7, which were found allowable subject matter at page 5 of the examiner's action. Accordingly, the rejections should not be applicable to the new claims or to claim 1 as amended.

Applicant has made an earnest attempt to place the case in condition for allowance.

Favorable action and passage of the case to issue are respectfully requested. It is believed that no other fees are due. If this is incorrect, please charge any required fees to Deposit Account No. 50-1588.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Philip G. Meyers", is written over a horizontal line.

Philip G. Meyers  
Reg. No. 30,478

Date: September 11, 2008

PHILIP G. MEYERS LAW OFFICE  
1009 Long Prairie Road, Suite 300  
Flower Mound, Texas 75022  
Phone 972-874-2703  
(972) 874-2983 - fax